

5. For disposal of hazardous wastes from field locations and the central complex:	\$ 800,000
6. For payment to the general fund of the state for indirect cost recoveries:	\$ 572,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:	\$ 415,181
8. For costs associated with producing transportation maps:	\$ 242,000
9. For inventory and equipment replacement:	\$ 2,250,000
10. For utility improvements at various locations:	\$ 400,000
11. For roofing projects at various locations:	\$ 200,000
12. For heating, cooling, and exhaust system improvements at various locations:	\$ 100,000
13. For deferred maintenance projects at field facilities throughout the state:	\$ 1,000,000
14. For construction of a new Rockwell City garage:	\$ 3,000,000
15. For federal Americans With Disabilities Act improvements at various locations:	\$ 120,000
16. For elevator upgrades at the Ames complex:	\$ 100,000

Notwithstanding section 8.33, moneys appropriated in subsections 10 through 16 that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2012.

Approved May 26, 2009

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**CHAPTER 181**  
 APPROPRIATIONS —  
 ADMINISTRATION AND REGULATION  
*H.F. 809*

**AN ACT** relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
 ADMINISTRATION AND REGULATION APPROPRIATIONS

Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,349,232
.....	FTEs	112.28

b. For the payment of utility costs and for not more than the following full-time equivalent positions:

.....	\$	3,517,432
.....	FTEs	1.00

Notwithstanding section 8.33, any excess funds appropriated for utility costs in this lettered paragraph shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes of this lettered paragraph during the succeeding fiscal year.

It is the intent of the general assembly that the department shall reduce utility costs through energy conservation practices. The goal of the general assembly is to reduce energy use by 10 percent to save money, conserve energy resources, and reduce pollution.

*\*c. It is the intent of the general assembly that the state maintain a cost effective, reliable motor vehicle fleet for state operations. It is the goal of the general assembly that the department shall take all available steps to reduce motor vehicle fleet operation and purchasing costs by 7.5 percent. It is also the intent of the general assembly that replacement motor vehicles purchased by the department shall include only those options necessary for the intended purpose of the vehicles purchased unless inclusion of the options are part of the lowest responsible cost package available for the vehicles purchased. In addition, to maximize the cost effectiveness of the motor vehicle fleet given the current fiscal environment, it is also the intent of the general assembly that the department implement a policy, effective July 1, 2009, to extend the time that vehicles in the department's motor vehicle fleet are retained and used by the state with the purpose of reducing the cost of fleet operations for state agencies. The policy change shall incorporate an increase in the overall length of time that a vehicle is retained in addition to an increase in the number of miles that a vehicle is driven prior to being replaced. The department shall submit a report to the general assembly by January 1, 2010, concerning the department's efforts to reduce state motor vehicle fleet costs, including data on the extent of savings realized.\**

2. Members of the general assembly serving as members of the deferred compensation advisory board shall be entitled to receive per diem and necessary travel and actual expenses pursuant to section 2.10, subsection 5, while carrying out their official duties as members of the board.

3. Any funds and premiums collected by the department for workers' compensation shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims and administrative costs. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

*\*4. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the rate set for a service provided solely by the department of administrative services as determined pursuant to section 8.6, subsection 16, paragraph "c", shall not exceed the rate set for that service as of January 1, 2009.\**

Sec. 2. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, from the revolving funds designated in chapter 8A and from internal service funds created by the department such amounts as the department deems necessary for the operation of the department consistent with the requirements of chapter 8A.

Sec. 3. FUNDING FOR IOWACCESS.

1. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2009,

\* Item veto; see message at end of the Act

and ending June 30, 2010, the first \$1,000,000 collected and transferred by the department of transportation to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the lowAccess revolving fund established by section 8A.224 and administered by the department of administrative services for the purposes of developing, implementing, maintaining, and expanding electronic access to government records as provided by law.

2. All fees collected with respect to transactions involving lowAccess shall be deposited in the lowAccess revolving fund and shall be used only for the support of lowAccess projects.

Sec. 4. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be \$2 per contract on all health insurance plans administered by the department.

Sec. 5. AUDITOR OF STATE.

1. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	905,468
.....	FTEs	103.00

The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative services agency of the additional full-time equivalent positions retained.

2. As a condition of receiving funding appropriated in this section, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the auditor shall comply with all of the following requirements:

a. The rates and fees set by the auditor to conduct audits for the fiscal year shall not exceed the rates and fees set for conducting audits as of January 1, 2009.

b. The auditor shall not seek reimbursement from departments and agencies specified in section 11.5B in an amount that exceeds the total amount reimbursed to the auditor by those departments and agencies for the fiscal year beginning July 1, 2008.

c. The auditor shall not seek reimbursement from governmental subdivisions for audits which are reimbursable pursuant to section 11.20 or 11.21 in an amount that exceeds the total amount reimbursed to the auditor by governmental subdivisions for the fiscal year beginning July 1, 2008.

d. Notwithstanding any provision of this subsection to the contrary, the auditor may seek reimbursement from departments and agencies specified in section 11.5B, and governmental subdivisions, in an amount that exceeds the total amount reimbursed to the auditor by those departments, agencies, or governmental subdivisions for the fiscal year beginning July 1, 2008, for audits required by the federal government and reimbursable from federal funds.

e. For purposes of this subsection, "total amount reimbursed" does not include amounts reimbursed for audits required and reimbursed from federal funds.

Sec. 6. AUDITOR OF STATE — DISCRETIONARY AUDITS. For the fiscal period beginning April 1, 2009, and ending June 30, 2010, the auditor of state, in addition to any other requirements provided in this Act, shall not seek reimbursement from departments and agencies specified in section 11.5B for any discretionary audit that the auditor initiates or has initiated

on the auditor's own authority and which is not specifically required by statute. Notwithstanding the prohibition contained in this section, the auditor shall perform all necessary audit duties related to any financial report required to be compiled by a department or agency that the auditor has previously audited in the normal course of the auditor's duties, whether or not such financial report is required by law. Any amounts reimbursed in association with such audit shall be limited to the amounts reimbursed for the audit of such report during the previous reporting period.

Sec. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	523,000
.....	FTEs	6.00

Sec. 8. DEPARTMENT OF COMMERCE.

1. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. ALCOHOLIC BEVERAGES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,007,160
.....	FTEs	37.00

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	900,553
.....	FTEs	16.00

c. INSURANCE DIVISION — SENIOR HEALTH INSURANCE INFORMATION PROGRAM

For the use of the senior health insurance information program:

.....	\$	52,253
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2. There is appropriated from the department of commerce revolving fund created in section 546.12, if enacted by this Act,<sup>1</sup> to the department of commerce for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. BANKING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	8,662,670
.....	FTEs	73.00

b. CREDIT UNION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,727,995
.....	FTEs	19.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,881,216
.....	FTEs	102.00

<sup>1</sup> This chapter, §108

(2) The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements. The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

(3) The insurance division shall allocate \$10,000 from the examination receipts for the payment of its fees to the national conference of insurance legislators.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,795,527
.....	FTEs	79.00

(2) The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for utility regulation and the expenditures are fully reimbursable. Before the division expends or encumbers an amount in excess of the funds budgeted for regulation, the division shall first do both of the following:

(a) Notify the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) File with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

(3) Notwithstanding sections 8.33 and 476.10 or any other provision to the contrary, any balance of the appropriation made in this paragraph for the utilities division or any other operational appropriation made for the fiscal year beginning July 1, 2009, and ending June 30, 2010, that remains unused, unencumbered, or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for purposes of the energy-efficient building project authorized under section 476.10B, or for relocation costs in succeeding fiscal years.

3. CHARGES — TRAVEL

Each division and the office of consumer advocate shall include in its charges assessed or revenues generated an amount sufficient to cover the amount stated in its appropriation and any state-assessed indirect costs determined by the department of administrative services. The director of the department of commerce shall review on a quarterly basis all out-of-state travel for the previous quarter for officers and employees of each division of the department if the travel is not already authorized by the executive council.

Sec. 9. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING AND REGULATION BUREAU. There is appropriated from the housing trust fund of the Iowa finance authority created in section 16.181, to the bureau of professional licensing and regulation of the banking division of the department of commerce for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:	\$	62,317
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Sec. 10. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor, and for not more than the following full-time equivalent positions:

.....	\$	1,893,857
.....	FTEs	25.25

2. TERRACE HILL QUARTERS

For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

.....	\$	438,101
.....	FTEs	10.00

3. ADMINISTRATIVE RULES COORDINATOR

For salaries, support, maintenance, and miscellaneous purposes for the office of administrative rules coordinator, and for not more than the following full-time equivalent positions:

.....	\$	141,297
.....	FTEs	3.00

4. NATIONAL GOVERNORS ASSOCIATION

For payment of Iowa's membership in the national governors association:

.....	\$	70,783
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5. STATE-FEDERAL RELATIONS

For salaries, support, maintenance, and miscellaneous purposes for the office for state-federal relations, and for not more than the following full-time equivalent positions:

.....	\$	46,620
.....	FTEs	1.00

Sec. 11. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There is appropriated from the general fund of the state to the governor's office of drug control policy for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including statewide coordination of the drug abuse resistance education (D.A.R.E.) programs or similar programs, and for not more than the following full-time equivalent positions:

.....	\$	348,368
.....	FTEs	8.00

Sec. 12. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	306,777
.....	FTEs	7.00

2. DEAF SERVICES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	378,792
.....	FTEs	6.00

3. STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	133,430
.....	FTEs	1.00

4. PERSONS WITH DISABILITIES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	208,231
.....	FTEs	3.20

5. LATINO AFFAIRS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	178,100
.....	FTEs	3.00

6. STATUS OF WOMEN DIVISION

For salaries, support, maintenance, and miscellaneous purposes, including the domestic violence and sexual assault-related grants, and for not more than the following full-time equivalent positions:

.....	\$	315,883
.....	FTEs	4.00

7. STATUS OF AFRICAN-AMERICANS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	166,796
.....	FTEs	2.00

8. NATIVE AMERICAN AFFAIRS DIVISION

For operation costs and travel reimbursement for members of the commission on Native American affairs:

.....	\$	5,352
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9. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,427,472
.....	FTEs	11.18

The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

10. SHARED STAFF

The divisions of the department of human rights shall retain their individual administrators, but shall share staff to the greatest extent possible.

11. DEPARTMENT STUDY — REPORT

The department of human rights shall conduct a study to examine the organization and duties of the department and whether reorganizing the structure of the department could provide enhanced services to Iowans in a more efficient manner. The department shall submit a written report to the general assembly by January 1, 2010, concerning the results of the study, including its findings and recommendations.

Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,005,011
.....	FTEs	39.25

As a condition of receiving funding appropriated in this subsection, the department shall maintain the targeted small business certification employee position within the division.

2. ADMINISTRATIVE HEARINGS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	677,317
.....	FTEs	24.00

3. INVESTIGATIONS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,452,962
.....	FTEs	50.00

4. HEALTH FACILITIES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,235,383
.....	FTEs	140.75

*\*b. The department shall, in coordination with the health facilities division, make the following information available to the public in a timely manner, to include providing the information on the department's internet website, during the fiscal year beginning July 1, 2009, and ending June 30, 2010:*

*(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.*

*(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.*

*(3) The total number of full-time equivalent positions in the division, to include the number of full-time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.*

*(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.*

*c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division's level of collaboration and to identify new opportunities for cooperation.\**

5. EMPLOYMENT APPEAL BOARD

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	51,465
.....	FTEs	15.00

The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

6. CHILD ADVOCACY BOARD

For foster care review and the court appointed special advocate program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,920,367
.....	FTEs	45.12

a. The department of human services, in coordination with the child advocacy board and the department of inspections and appeals, shall submit an application for funding available pursuant to Title IV-E of the federal Social Security Act for claims for child advocacy board administrative review costs.

\* Item veto; see message at end of the Act

b. The court appointed special advocate program shall investigate and develop opportunities for expanding fund-raising for the program.

c. Administrative costs charged by the department of inspections and appeals for items funded under this subsection shall not exceed 4 percent of the amount appropriated in this subsection.

d. Notwithstanding any provision of sections 237.18 and 237.20 to the contrary, the child advocacy board may establish up to six pilot projects using alternative policies to guide the selection of cases and the procedures used by local citizen foster care review boards as they review cases of children who received or are receiving foster care or other out-of-home placement services while under the supervision of the department of human services. Policies to guide the pilot project case selection, review time frames and reporting formats shall be approved by the department of human services, state court administrator, and the chief judge of any judicial district in which a pilot project is to be implemented. The child advocacy board shall report to the governor and general assembly by January 1, 2010, on the progress of any new approaches and their impact on efficiencies and case outcomes.

Sec. 14. RACING AND GAMING COMMISSION.

1. RACETRACK REGULATION

There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the regulation of pari-mutuel racetracks, and for not more than the following full-time equivalent positions:

.....	\$	2,653,308
.....	FTEs	28.53

2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the excursion boat gambling and gambling structure laws, and for not more than the following full-time equivalent positions:

.....	\$	3,050,753
.....	FTEs	42.22

Sec. 15. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the road use tax fund to the administrative hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	1,623,897
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Sec. 16. DEPARTMENT OF MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,811,511
.....	FTEs	37.50

Of the moneys appropriated in this section, the department shall use a portion for enterprise

resource planning, providing for a salary model administrator, conducting performance audits, and for the department’s LEAN process.

Sec. 17. ROAD USE TAX APPROPRIATION. There is appropriated from the road use tax fund to the department of management for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:
..... \$ 56,000

Sec. 18. DEPARTMENT OF REVENUE. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 22,754,688
..... FTEs 400.00

Of the funds appropriated pursuant to this section, \$400,000 shall be used to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to chapters 423B and 423E.

The director of revenue shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 17, without cost to a city or county.

Sec. 19. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is appropriated from the motor fuel tax fund created by section 452A.77 to the department of revenue for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:

..... \$ 1,305,775

Sec. 20. SECRETARY OF STATE. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,217,317
..... FTEs 44.00

The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

Sec. 21. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 490.122, subsection 1, paragraphs “a” and “s”, and section 504.113, subsection 1, paragraphs “a”, “c”, “d”, “j”, “k”, “l”, and “m”, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to the provisions of the Iowa administrative procedure Act, chapter 17A.

Sec. 22. TREASURER. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 2009, and ending June 30, 2010,

the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	949,210
.....	FTEs	28.80

The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 23. ROAD USE TAX APPROPRIATION. There is appropriated from the road use tax fund to the office of treasurer of state for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as necessary, to be used for the purposes designated:

For enterprise resource management costs related to the distribution of road use tax funds:

.....	\$	93,148
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Sec. 24. IPERS — GENERAL OFFICE. There is appropriated from the Iowa public employees' retirement system fund to the Iowa public employees' retirement system for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system, and for not more than the following full-time equivalent positions:

.....	\$	18,001,480
.....	FTEs	95.13

Sec. 25. REBUILD IOWA OFFICE. There is appropriated from the general fund of the state to the rebuild Iowa office for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	198,277
.....	FTEs	12.00

It is the intent of the general assembly that, pursuant to 2009 Iowa Acts, House File 64,<sup>2</sup> the rebuild Iowa office shall be repealed effective June 30, 2011, and shall not receive an appropriation from the general fund of the state after that date.

Sec. 26. STATE EMPLOYEE POSITIONS. The director of a department or state agency to which appropriations are made pursuant to the provisions of this Act shall implement cost-saving strategies designed to prevent, to the extent possible, permanent layoffs of state employees within that department or state agency.

*\*Sec. 27. EXPENSE REIMBURSEMENT — REQUIREMENTS. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the director of a department or state agency to which appropriations are made pursuant to the provisions of this Act shall require employees, in order to receive reimbursement for expense, to submit actual receipts for meals and other costs and reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted.\**

Sec. 28. VEHICLE PURCHASES — LIMITATIONS. Except for vehicles utilized for law enforcement purposes, motor vehicles purchased by the department of administrative services shall not, unless inclusion of the item is part of the lowest cost package available for the vehicle purchased, include any of the following items:

1. Tube steps.

<sup>2</sup> Chapter 169 herein

\* Item veto; see message at end of the Act

2. Upgraded floor mats.
3. Winches, unless otherwise necessary for use in an off-road vehicle.
4. Upgraded paint in order to match the topper to the vehicle.
5. Global positioning systems.
6. Satellite radio, compact disc players, bluetooth capability, or upgraded stereo systems.
7. Leather seats.

Sec. 29. VEHICLE PURCHASES. The department of administrative services shall seek to procure motor vehicles for state use at the lowest possible cost to the state. Motor vehicles purchased by the department shall not include optional equipment that results in an increase in the cost of the motor vehicle unless such optional equipment is specifically required by the requesting state agency or unless such equipment is part of the lowest cost package available meeting minimum specifications. A state agency seeking to replace a motor vehicle shall not request any equipment to be added to its motor vehicles except as the state agency determines is necessary for the department's employees in the safe and efficient operation of the motor vehicle. The department shall not seek to have any optional equipment removed or deleted from an order if such action would increase the cost of the vehicle to the state.

Sec. 30. VEHICLE DEPRECIATION FUNDS.

1. DEFINITIONS. For purposes of this section, "applicable fiscal period" means the fiscal period beginning on the effective date of this section and ending June 30, 2010.

2. DEPARTMENT OF ADMINISTRATIVE SERVICES. Notwithstanding any provision of section 8A.365 to the contrary, a department or agency otherwise required to pay depreciation expense pursuant to that section shall not be required to pay depreciation expense during the applicable fiscal period. Notwithstanding section 8.33, moneys credited to a department or agency in the depreciation fund in excess of the amount determined by the department of administrative services is necessary for motor vehicle maintenance and insurance costs for the applicable fiscal period for that department or agency, shall be returned to the department or agency and used for the purposes of that department or agency during the applicable fiscal period.

*\*3. STATE DEPARTMENT OF TRANSPORTATION. Notwithstanding section 8.33 and any other provision of law to the contrary, moneys in a depreciation fund for the purchase of motor vehicles by the state department of transportation in excess of the amount determined by the state department of transportation is necessary for motor vehicle maintenance and insurance costs for the applicable fiscal period, shall be returned to the state department of transportation and used for the purposes of that department during the applicable fiscal period.\**

Sec. 31. EFFECTIVE DATE. The section of this division of this Act concerning vehicle depreciation funds, being deemed of immediate importance, takes effect upon enactment.

Sec. 32. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this division of this Act concerning discretionary audits by the auditor of state, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to April 1, 2009, and is applicable on and after that date.

Sec. 33. EFFECTIVE DATE. The section of this division of the Act limiting vehicle purchases by the department of administrative services, being deemed of immediate importance, takes effect upon enactment.

DIVISION II  
MISCELLANEOUS PROVISIONS

Sec. 34. Section 8A.454, subsection 4, Code 2009, is amended to read as follows:

4. This section is repealed July 1, ~~2009~~ 2010.

\* Item veto; see message at end of the Act

Sec. 35. 2008 Iowa Acts, chapter 1176, section 5, subsection 1, is amended to read as follows:

1. If any federal funding is received for the same or similar purposes authorized in section 47.10, as enacted by this Act, of the amount appropriated in this section, \$61,000 is allocated for matching such federal funding, and an amount equal to the federal funding received shall revert from the amount appropriated to the rebuild Iowa infrastructure fund at the end of the fiscal year.

Sec. 36. EFFECTIVE DATES — RETROACTIVE APPLICABILITY.

1. The section of this division of this Act amending section 8A.454, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act amending 2008 Iowa Acts, chapter 1176, section 5, subsection 1, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to federal funding received on and after April 1, 2008.

### DIVISION III GRANTS MANAGEMENT

*\*Sec. 37. Section 8.9, subsection 1, Code 2009, is amended to read as follows:*

*1. The office of grants enterprise management is established in the department of management. The function of the office is to develop and administer a system to track, identify, advocate for, and coordinate nonstate grants as defined in section 8.2, subsections 1 and 3. Staffing for the office of grants enterprise management shall be provided by a facilitator appointed by the director of the department of management. Additional staff may be hired, subject to the availability of funding. Funding for the office is from the appropriation to the department pursuant to section 8A.505, subsection 2.\**

Sec. 38. Section 8A.505, subsection 2, Code 2009, is amended by striking the subsection.

### DIVISION IV TREASURER OF STATE PROVISIONS

Sec. 39. NEW SECTION. 12.9 EMPLOYEE CLASSIFICATIONS.

In addition to public employees listed in section 20.4, public employees of the treasurer of state who hold positions that are classified in the administrative assistant series and executive officer series are excluded from chapter 20.

Sec. 40. Section 556.17, subsections 1 and 2, Code 2009, are amended to read as follows:

1. All abandoned property other than money delivered to the treasurer of state under this chapter which remains unclaimed one year after the delivery to the treasurer may be sold to the highest bidder at public sale in any city in the state in a manner that affords in the treasurer's judgment the most favorable market for the property involved. The treasurer of state may decline the highest bid and reoffer the property for sale if the treasurer considers the price bid insufficient. The treasurer need not offer any property for sale if, in the treasurer's opinion, the probable cost of sale exceeds the value of the property. The treasurer may order destruction of the property when the treasurer has determined that the probable cost of offering the property for sale exceeds the value of the property. If the treasurer determines that the property delivered does not have any substantial commercial value, the treasurer may destroy or otherwise dispose of the property at any time. An action or proceeding may not be maintained against the treasurer or any officer or against the holder for or on account of an act the treasurer made under this section, except for intentional misconduct or malfeasance.

2. a. Any sale held or ~~destruction ordered~~ under this section shall be preceded by a single publication of notice of the sale or ~~destruction order~~ at least three weeks in advance of sale or ~~destruction~~ in an English language newspaper of general circulation in the county where the

\* Item veto; see message at end of the Act

property is to be sold or, for the destruction, in the county from which the property was received, or in an English language newspaper of general circulation in the state.

b. If the treasurer holds an internet auction or a sale on the internet, the treasurer may elect to provide notice of the sale or auction on the treasurer's website at least seven days in advance of the sale or auction in lieu of providing notice as otherwise provided in accordance with paragraph "a".

DIVISION V  
ETHICS AND CAMPAIGN DISCLOSURE BOARD ENFORCEMENT

Sec. 41. Section 68B.32A, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 18. At the board's discretion, enter into an agreement with a political subdivision authorizing the board to enforce the provisions of a code of ethics adopted by that political subdivision.

DIVISION VI  
BINGO CONDUCTED AT A FAIR OR COMMUNITY FESTIVAL

Sec. 42. NEW SECTION. 99B.5A BINGO CONDUCTED AT A FAIR OR COMMUNITY FESTIVAL.

1. For purposes of this section:

a. "Community festival" means a festival of no more than four consecutive days in length held by a community group.

b. "Community group" means an Iowa nonprofit, tax-exempt organization which is open to the general public and established for the promotion and development of the arts, history, culture, ethnicity, historic preservation, tourism, economic development, festivals, or municipal libraries. "Community group" does not include a school, college, university, political party, labor union, state or federal government agency, fraternal organization, church, convention or association of churches, or organizations operated primarily for religions<sup>3</sup> purposes, or which are operated, supervised, controlled, or principally supported by a church, convention, or association of churches.

2. Bingo may lawfully be conducted at a fair, as defined in section 174.1, or a community festival if all the following conditions are met:

a. Bingo is conducted by the sponsor of the fair or community festival or a qualified organization licensed under section 99B.7 that has received permission from the sponsor of the fair or community festival to conduct bingo.

b. The sponsor of the fair or community festival or the qualified organization has submitted a license application and a fee of fifty dollars to the department, has been issued a license, and prominently displays the license at the area where the bingo occasion is being held. A license shall only be valid for the duration of the fair or community festival indicated on the application.

c. The number of bingo occasions shall be limited to one for each day of the duration of the fair of<sup>4</sup> community festival.

d. The rules for the bingo occasion are posted.

e. Except as provided in this section, the provisions of sections 99B.2 and 99B.7 related to bingo shall apply.

3. An individual other than a person conducting the bingo occasion may participate in the bingo occasion conducted at a fair or community festival, whether or not conducted in compliance with this section.

4. Bingo occasions held under a license under this section shall not be counted in determining whether a qualified organization has conducted more than fourteen bingo occasions per month. In addition, bingo occasions held under this license shall not be limited to four consecutive hours.

<sup>3</sup> According to enrolled Act; the word "religious" probably intended

<sup>4</sup> According to enrolled Act; the word "or" probably intended

DIVISION VII  
DEPARTMENT OF COMMERCE REVOLVING  
FUND — APPROPRIATIONS

Sec. 43. Section 87.11E, subsection 5, Code 2009, is amended to read as follows:

5. A civil penalty levied under subsection 4 shall not exceed one thousand dollars per violation per person, and shall not exceed ten thousand dollars in a single proceeding against any one person. All civil penalties shall be deposited ~~in the general fund of the state~~ pursuant to section 505.7.

Sec. 44. Section 475A.3, subsection 3, Code 2009, is amended to read as follows:

3. SALARIES, EXPENSES, AND APPROPRIATION. The salary of the consumer advocate shall be fixed by the attorney general within the salary range set by the general assembly. The salaries of employees of the consumer advocate shall be at rates of compensation consistent with current standards in industry. The reimbursement of expenses for the employees and the consumer advocate is as provided by law. The appropriation for the office of consumer advocate shall be a separate line item contained in the appropriation from the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

Sec. 45. Section 476.10, unnumbered paragraph 4, Code 2009, is amended to read as follows:

The order shall be subject to review in the manner provided in this chapter. All amounts collected by the division pursuant to the provisions of this section shall be deposited with the treasurer of state and credited to the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12. Such amounts shall be spent in accordance with the provisions of chapter 8.

Sec. 46. Section 476.10, unnumbered paragraph 6, Code 2009, is amended to read as follows:

Fees paid to the utilities division shall be deposited in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12. These funds shall be used for the payment, upon appropriation by the general assembly, of the expenses of the utilities division and the consumer advocate division of the department of justice. ~~Subject to this section, the utilities division or the consumer advocate division may keep on hand with the treasurer of state funds in excess of the current needs of the utilities division or the consumer advocate division.~~

Sec. 47. Section 476.10, unnumbered paragraph 8, Code 2009, is amended to read as follows:

All fees and other moneys collected under this section and sections 478.4, 479.16, and 479A.9 shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 and expenses required to be paid under this section shall be paid from funds appropriated for those purposes. ~~Moneys deposited into the general fund of the state pursuant to this section and sections 478.4, 479.16, and 479A.9 shall be subject to the requirements of section 8.60.~~

Sec. 48. Section 476.51, subsection 5, Code 2009, is amended to read as follows:

5. Civil penalties collected pursuant to this section from utilities providing water, electric, or gas service shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the general fund of the state and to be used only for the low income home energy assistance program and the weatherization assistance program administered by the division of community action agencies of the department of human rights. Civil penalties collected pursuant to this section from utilities providing telecommunications service shall be forwarded to the treasurer of state to be credited to the ~~general fund of the state~~ department of

commerce revolving fund created in section 546.12 to be used only for consumer education programs administered by the board. Penalties paid by a rate-regulated public utility pursuant to this section shall be excluded from the utility's costs when determining the utility's revenue requirement, and shall not be included either directly or indirectly in the utility's rates or charges to customers.

Sec. 49. Section 476.87, subsection 3, Code 2009, is amended to read as follows:

3. The board shall allocate the costs and expenses reasonably attributable to certification and dispute resolution in this section to persons identified as parties to such proceeding who are engaged in or who seek to engage in providing natural gas services or other persons identified as participants in such proceeding. The funds received for the costs and the expenses of certification and dispute resolution shall be remitted to the treasurer of state for deposit in the general fund of the state department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 50. Section 476.101, subsection 10, Code 2009, is amended to read as follows:

10. In a proceeding associated with the granting of a certificate under section 476.29, approving maps and tariffs for competitive local exchange providers provided for in this section, or in resolving a complaint filed pursuant to subsection 8 and proceedings under 47 U.S.C. § 251 – 254, the board shall allocate the costs and expenses of the proceedings to persons identified as parties in the proceeding who are engaged in or who seek to engage in providing telecommunications services or other persons identified as participants in the proceeding. The funds received for the costs and the expenses shall be remitted to the treasurer of state for deposit in the general fund of the state department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 51. Section 476.103, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. A civil penalty collected pursuant to this subsection shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the general fund of the state department of commerce revolving fund created in section 546.12 and to be used only for consumer education programs administered by the board.

Sec. 52. Section 476A.14, subsection 1, Code 2009, is amended to read as follows:

1. Any person who commences to construct a facility as provided in this subchapter without having first obtained a certificate, or who constructs, operates or maintains any facility other than in compliance with a certificate issued by the board or a certificate amended pursuant to this subchapter, or who causes any of these acts to occur, shall be liable for a civil penalty of not more than ten thousand dollars for each violation or for each day of continuing violation. Civil penalties collected pursuant to this subsection shall be forwarded by the clerk of court to the treasurer of state for deposit in the general fund of the state department of commerce revolving fund created in section 546.12.

Sec. 53. Section 478.4, Code 2009, is amended to read as follows:

478.4 FRANCHISE — HEARING.

The utilities board shall consider the petition and any objections filed to it in the manner provided. It shall examine the proposed route or cause any engineer selected by it to do so. If a hearing is held on the petition it may hear testimony as may aid it in determining the propriety of granting the franchise. It may grant the franchise in whole or in part upon the terms, conditions, and restrictions, and with the modifications as to location and route as may seem to it just and proper. Before granting the franchise, the utilities board shall make a finding that the proposed line or lines are necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest. A franchise shall not become effective until the petitioners shall pay, or file an agreement to pay, all costs and ex-

penses of the franchise proceeding, whether or not objections are filed, including costs of inspections or examinations of the route, hearing, salaries, publishing of notice, and any other expenses reasonably attributable to it. The funds received for the costs and the expenses of the franchise proceeding shall be remitted to the treasurer of state for deposit in the general fund of the state department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 54. Section 479.16, Code 2009, is amended to read as follows:  
479.16 RECEIPT OF FUNDS.

All moneys received under this chapter shall be remitted monthly to the treasurer of state and credited to the general fund of the state department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 55. Section 479A.9, Code 2009, is amended to read as follows:  
479A.9 DEPOSIT OF FUNDS.

Moneys received under this chapter shall be credited to the general fund of the state department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 56. Section 479B.12, Code 2009, is amended to read as follows:  
479B.12 USE OF FUNDS.

All moneys received under this chapter, other than civil penalties collected pursuant to section 479B.21, shall be remitted monthly to the treasurer of state and credited to the general fund of the state department of commerce revolving fund created in section 546.12.

Sec. 57. Section 502.302, Code 2009, is amended by adding the following new subsection:  
NEW SUBSECTION. 5. DEPOSIT OF FEES. Fees collected under this section shall be deposited as provided in section 505.7.

Sec. 58. Section 502.304A, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. The fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. 59. Section 502.305, subsection 2, Code 2009, is amended to read as follows:

2. FILING. Except as provided in subsection 10 and section 502.304A, subsection 3, paragraph "g", a person who files a registration statement or a notice filing shall pay a filing fee of one-tenth of one percent of the proposed aggregate sales price of the securities to be offered to persons in this state pursuant to the registration statement or notice filing. However, except as provided in subsection 10, section 502.302, subsection 1, paragraph "a", and section 502.304A, subsection 3, paragraph "g", the annual filing fee shall not be less than fifty dollars or more than one thousand dollars. The administrator shall retain the filing fee even if the notice filing is withdrawn or the registration is withdrawn, denied, suspended, revoked, or abandoned. The fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. 60. Section 502.321G, Code 2009, is amended to read as follows:  
502.321G FEES.

The administrator shall charge a nonrefundable filing fee of two hundred fifty dollars for a registration statement filed by an offeror. The fee shall be deposited as provided in section 505.7.

Sec. 61. Section 502.410, Code 2009, is amended by adding the following new subsection:  
NEW SUBSECTION. 7. DEPOSIT OF FEES. Except as otherwise provided in subsection 2, fees collected under this section shall be deposited as provided in section 505.7.

Sec. 62. Section 505.7, subsection 1, Code 2009, is amended to read as follows:

1. All fees and charges which are required by law to be paid by insurance companies, associ-

ations, and other regulated entities shall be payable to the commissioner of the insurance division of the department of commerce or department of revenue, as provided by law, whose duty it shall be to account for and pay over the same to the treasurer of state at the time and in the manner provided by law for deposit in the general fund of the state department of commerce revolving fund created in section 546.12.

Sec. 63. Section 505.7, subsection 3, Code 2009, is amended to read as follows:

3. Forty percent of the nonexamination revenues payable to the division of insurance or the department of revenue in connection with the regulation of insurance companies or other entities subject to the regulatory jurisdiction of the division shall be deposited in the department of commerce revolving fund created in section 546.12 and shall be subject to annual appropriation to the division for its operations and is also subject to expenditure under subsection 6. The remaining nonexamination revenues payable to the division of insurance or the department of revenue shall be deposited in the general fund of the state.

Sec. 64. Section 507.9, Code 2009, is amended to read as follows:

507.9 FEES — ACCOUNTING.

All fees collected under the provisions of this chapter shall be paid to the commissioner of insurance and shall be turned into the state treasury for deposit as provided in section 505.7.

Sec. 65. Section 507B.7, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. A monetary penalty of not more than ten thousand dollars for each and every act or violation. A penalty collected under this lettered paragraph shall be deposited as provided in section 505.7.

Sec. 66. Section 508.13, subsection 3, Code 2009, is amended to read as follows:

3. A company that fails to timely file an application for renewal of its certificate of authority shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit in the general fund of the state as provided in section 505.7.

Sec. 67. Section 508.14, subsection 4, Code 2009, is amended to read as follows:

4. Amounts received by the commissioner pursuant to subsections 2 and 3 shall be paid to the treasurer of state for deposit in the general fund of the state as provided in section 505.7.

Sec. 68. Section 508.15, Code 2009, is amended to read as follows:

508.15 VIOLATION BY FOREIGN COMPANY.

Companies organized and chartered by the laws of a foreign state or country, failing to file the evidence of investment and statement within the time fixed, or failing to timely file any financial statement required by rule of the commissioner of insurance, shall forfeit and pay five hundred dollars, to be collected in an action in the name of the state and paid to the treasurer of state for deposit in the general fund of the state as provided in section 505.7, and their right to transact further new business in this state shall immediately cease until the requirements of this chapter have been fully complied with. The commissioner may give notice to a company which has failed to file within the time fixed that the company is in violation of this section and if the company fails to file the evidence of investment and statement within ten days of the date of the notice the company shall forfeit and pay the additional sum of one hundred dollars for each day the failure continues, to be paid to the treasurer of state for deposit in the general fund of the state as provided in section 505.7.

Sec. 69. Section 508E.3, subsection 10, Code 2009, is amended to read as follows:

10. Fees collected pursuant to this section shall be deposited into the general fund of the state as provided in section 505.7.

Sec. 70. Section 508E.16, subsection 5, Code 2009, is amended to read as follows:

5. In addition to the penalties and other enforcement provisions of this chapter, any person

who violates this chapter is subject to a civil penalty of up to five thousand dollars for each violation of this chapter. The civil penalty shall be deposited into the general fund of the state as provided in section 505.7. If a person has not been ordered to pay restitution by a court, the commissioner's order may require a person found to be in violation of this chapter to make restitution to a person aggrieved by a violation of this chapter.

Sec. 71. Section 512B.25, Code 2009, is amended to read as follows:  
512B.25 ANNUAL LICENSE — RENEWAL.

The authority of a society to transact business in this state may be renewed annually. A license terminates on the first day of June following issuance or renewal. A society shall submit annually on or before March 1 a completed application for renewal of its license. For each license or renewal the society shall pay the commissioner a fee of fifty dollars. A society that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit in the general fund of the state as provided in section 505.7. A duly certified copy or duplicate of the license is prima facie evidence that the licensee is a fraternal benefit society within the meaning of this chapter.

Sec. 72. Section 514.9A, Code 2009, is amended to read as follows:  
514.9A CERTIFICATE OF AUTHORITY — RENEWAL.

A certificate of authority of a corporation formed under this chapter expires on June 1 succeeding its issue and shall be renewed annually so long as the corporation transacts its business in accordance with all legal requirements. A corporation shall submit annually, on or before March 1, a completed application for renewal of its certificate of authority. A corporation that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit in the general fund of the state as provided in section 505.7. A duly certified copy or duplicate of the certificate is admissible in evidence for or against the corporation with the same effect as the original.

Sec. 73. Section 514B.3B, Code 2009, is amended to read as follows:  
514B.3B CERTIFICATE OF AUTHORITY — RENEWAL.

A certificate of authority of a health maintenance organization formed under this chapter expires on June 1 succeeding its issue and shall be renewed annually so long as the organization transacts its business in accordance with all legal requirements. A health maintenance organization shall submit annually, on or before March 1, a completed application for renewal of its certificate of authority. A health maintenance organization that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit in the general fund of the state as provided in section 505.7. A duly certified copy or duplicate of the certificate is admissible in evidence for or against the organization with the same effect as the original.

Sec. 74. Section 514B.12, subsections 3 and 4, Code 2009, are amended to read as follows:

3. A health maintenance organization that fails to timely file the report required under subsection 1 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit in the general fund of the state as provided in section 505.7.

4. The commissioner may give notice to a health maintenance organization that the organization has not timely filed the report required under subsection 1 and is in violation of this section. If the organization fails to file the required report and comply with this section within ten days of the date of the notice, the organization shall pay an additional administrative penalty of one hundred dollars for each day that the failure continues to the treasurer of state for deposit in the general fund of the state as provided in section 505.7.

Sec. 75. Section 514G.113, Code 2009, is amended to read as follows:  
514G.113 PENALTIES.

In addition to any other penalties provided by the laws of this state, any insurer or any pro-

ducer found to have violated a provision of this chapter or any other requirement of this state relating to the regulation of long-term care insurance or the marketing of such insurance shall be subject to a fine of up to three times the amount of any commission paid for each policy involved in the violation, or up to ten thousand dollars, whichever is greater. A fine collected under this section shall be deposited as provided in section 505.7.

Sec. 76. Section 515.42, Code 2009, is amended to read as follows:

515.42 TENURE OF CERTIFICATE — RENEWAL — EVIDENCE.

A certificate of authority shall expire on the first day of June next succeeding its issue, and shall be renewed annually so long as such company shall transact business in accordance with the requirements of law; a copy of which certificate, when certified to by the commissioner of insurance, shall be admissible in evidence for or against a company with the same effect as the original. A company shall submit annually, on or before March 1, a completed application for renewal of its certificate of authority. A company that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 77. Section 515.121, subsections 1 and 3, Code 2009, are amended to read as follows:

1. An excess and surplus lines insurance producer who fails to timely file the report required in section 515.120 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

3. The commissioner may give notice to a producer that the producer has not timely filed the report required under section 515.120 and is in violation of this section. If the producer fails to file the required report within ten days of the date of the notice, the producer shall pay an additional administrative penalty of one hundred dollars for each day that the failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 78. Section 515.146, Code 2009, is amended to read as follows:

515.146 CERTIFICATE REFUSED — ADMINISTRATIVE PENALTY.

The commissioner of insurance shall withhold the commissioner's certificate or permission of authority to do business from a company neglecting or failing to comply with this chapter. In addition, a company organized or authorized under this chapter which fails to file the annual statement referred to in section 515.63 in the time required shall pay and forfeit an administrative penalty in an amount of five hundred dollars to be collected in the name of the state for deposit ~~in the general fund of the state~~ as provided in section 505.7. The company's right to transact further new business in this state shall immediately cease until the company has fully complied with this chapter. The commissioner may give notice to a company which has failed to file within the time required that the company is in violation of this section and, if the company fails to file the evidence of investment and statement within ten days of the date of the notice, the company shall forfeit and pay the additional sum of one hundred dollars for each day the failure continues, to be paid to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 79. Section 515.147, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Fees shall be paid to the commissioner of insurance for deposit as provided in section 505.7 as follows:

Sec. 80. Section 515A.17, subsection 1, Code 2009, is amended to read as follows:

1. The commissioner may, if the commissioner finds that any person or organization has violated any provision of this chapter, impose a penalty of not more than one thousand dollars for each such violation, but if the commissioner finds such violation to be willful the commis-

sioner may impose a penalty of not more than five thousand dollars for each such violation. Such penalties may be in addition to any other penalty provided by law. A penalty collected under this subsection shall be deposited as provided in section 505.7.

Sec. 81. Section 515F.19, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A penalty collected under this section shall be deposited as provided in section 505.7.

Sec. 82. Section 516E.2, subsection 2, Code 2009, is amended to read as follows:

2. A service company shall not issue a service contract or arrange to perform services pursuant to a service contract unless the service company is registered with the commissioner. A service company shall file a registration with the commissioner annually, on a form prescribed by the commissioner, accompanied by a registration fee in the amount of five hundred dollars. Fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. 83. Section 518.15, subsections 5 and 6, Code 2009, are amended to read as follows:

5. An association formed under this chapter that fails to timely file the statement required under subsection 1 or the application for renewal required under subsection 3 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7. The association's right to transact new business in this state shall immediately cease until the association has fully complied with this chapter.

6. The commissioner may give notice to an association that the association has not timely filed the statement required under subsection 1 or an application for renewal under subsection 3 and is in violation of this section. If the association fails to file the required statement or application and comply with this section within ten days of the date of the notice, the association shall pay an additional administrative penalty of one hundred dollars for each day that the failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 84. Section 518A.18, subsections 2 and 3, Code 2009, are amended to read as follows:

2. An association that fails to timely file the statement required under subsection 1 is in violation of this section and shall pay an administrative penalty of five hundred dollars for each violation to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

3. The commissioner may give notice to an association that the association has not timely filed the statement required under subsection 1 and is in violation of this section. If the association fails to file the required statement and comply with this section within ten days of the date of the notice, the association shall pay an additional administrative penalty of one hundred dollars for each day that each failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 85. Section 518A.40, subsection 4, Code 2009, is amended to read as follows:

4. An association that fails to timely file the application for renewal required under subsection 2 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 86. Section 520.10, subsections 4 and 5, Code 2009, are amended to read as follows:

4. A reciprocal or interinsurance insurer that fails to timely file the report required under subsection 1 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

5. The commissioner may give notice to a reciprocal or interinsurance insurer that the insurer has not timely filed the report required under subsection 1 and is in violation of this section.

If the insurer fails to file the required report and comply with this section within ten days of the date of the notice, the insurer shall pay an additional administrative penalty of one hundred dollars for each day that the failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 87. Section 520.12, subsection 2, Code 2009, is amended to read as follows:

2. A reciprocal or interinsurance insurer shall submit annually, on or before March 1, a completed application for renewal of the insurer's certificate of authority. An insurer that fails to timely file an application for renewal shall pay an administrative fee of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 88. Section 521A.10, subsection 1, Code 2009, is amended to read as follows:

1. If the commissioner finds after notice and hearing that a person subject to registration under section 521A.4 failed without just cause to file a registration statement as required in this chapter, the person shall be required to pay a penalty of one thousand dollars for each day's delay. The penalty shall be recovered by the commissioner and ~~paid into the state general fund~~ deposited as provided in section 505.7. The maximum penalty under this section is ten thousand dollars. The commissioner may reduce the penalty if the person demonstrates that the imposition of the penalty would constitute a financial hardship to the person.

Sec. 89. Section 522A.5, Code 2009, is amended to read as follows:

522A.5 FEES.

The fee for a counter employee license shall be fifty dollars per counter employee. In no case shall any combined fees exceed one thousand dollars in any calendar year for any one rental company or limited license or licensee or renewal license. The fees collected under this section shall be deposited as provided in section 505.7.

Sec. 90. Section 522B.5, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 4. Fees collected under this section shall be deposited as provided in section 505.7.

Sec. 91. Section 523A.204, subsection 4, Code 2009, is amended to read as follows:

4. The commissioner shall levy an administrative penalty in the amount of five hundred dollars against a preneed seller that fails to file the annual report when due, payable to the state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 92. Section 523A.501, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 9. Fees collected under this section shall be deposited as provided in section 505.7.

Sec. 93. Section 523A.502, subsection 3, Code 2009, is amended to read as follows:

3. An application for a sales license shall be filed on a form prescribed by the commissioner and be accompanied by a filing fee in an amount set by the commissioner by rule. The fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. 94. Section 523A.502A, subsection 3, Code 2009, is amended to read as follows:

3. The commissioner shall levy an administrative penalty in the amount of five hundred dollars against a sales agent who fails to file an annual report when due, payable to the state for deposit ~~in the general fund~~ as provided in section 505.7.

Sec. 95. Section 523A.504, subsection 2, Code 2009, is amended to read as follows:

2. A preneed seller shall pay an annual fee of five dollars for each sales agent appointed by the preneed seller, which fee shall be submitted with the annual report. Fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. 96. Section 523A.807, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Payment of a civil penalty of not more than one thousand dollars for each violation, but not exceeding an aggregate of ten thousand dollars during any six-month period, except that if the commissioner finds that the person knew or reasonably should have known that the person was in violation of such provisions or rules adopted pursuant thereto, the penalty shall be not more than five thousand dollars for each violation, but not exceeding an aggregate of fifty thousand dollars during any six-month period. The commissioner shall assess the penalty on the employer of an individual and not on the individual, if the commissioner finds that the violations committed by the individual were directed, encouraged, condoned, ignored, or ratified by the individual's employer. Any civil penalties collected under this subsection shall be deposited as provided in section 505.7.

Sec. 97. Section 523A.812, Code 2009, is amended to read as follows:

523A.812 INSURANCE DIVISION REGULATORY FUND.

The insurance division may authorize the creation of a special revenue fund in the state treasury, to be known as the insurance division regulatory fund. The commissioner shall allocate annually from the fees paid pursuant to section 523A.204, two dollars for each purchase agreement reported on a preneed seller's annual report filed pursuant to section 523A.204 for deposit to the regulatory fund. The remainder of the fees collected pursuant to section 523A.204 shall be deposited ~~into the general fund of the state~~ as provided in section 505.7. The commissioner shall also allocate annually the examination fees paid pursuant to section 523A.814 and any examination expense reimbursement for deposit to the regulatory fund. The moneys in the regulatory fund shall be retained in the fund. The moneys are appropriated and, subject to authorization by the commissioner, may be used to pay examiners, examination expenses, investigative expenses, the expenses of mediation ordered by the commissioner, consumer education expenses, the expenses of a toll-free telephone line to receive consumer complaints, and the expenses of receiverships established under section 523A.811. If the commissioner determines that funding is not otherwise available to reimburse the expenses of a person who receives title to a cemetery subject to chapter 523I, pursuant to such a receivership, the commissioner shall use moneys in the regulatory fund as necessary to preserve, protect, restore, and maintain the physical integrity of that cemetery and to satisfy claims or demands for cemetery merchandise, funeral merchandise, and funeral services based on purchase agreements which the commissioner determines are just and outstanding. An annual allocation to the regulatory fund shall not be imposed if the current balance of the fund exceeds five hundred thousand dollars.

Sec. 98. Section 523C.3, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 4. Fees collected under this section shall be deposited as provided in section 505.7.

Sec. 99. Section 523C.13, subsection 1, Code 2009, is amended to read as follows:

1. Payment of a civil penalty of not more than one thousand dollars for each and every act or violation, but not to exceed an aggregate of ten thousand dollars, unless the person knew or reasonably should have known the person was in violation of this section, in which case the penalty shall be not more than five thousand dollars for each and every act or violation, but not to exceed an aggregate penalty of fifty thousand dollars in any one six-month period. The commissioner shall, if it finds the violations of this section were directed, encouraged, condoned, ignored, or ratified by the employer of such person, assess such fine to the employer and not such person. Any civil penalties collected under this subsection shall be deposited as provided in section 505.7.

Sec. 100. Section 523D.2A, unnumbered paragraph 1, Code 2009, is amended to read as follows:

On or before March 1 of each year, a provider shall file a certification with the commissioner in a manner and according to requirements established by the commissioner. The certification

shall be accompanied by a one hundred dollar administrative fee which fee shall be deposited as provided in section 505.7. The certification shall attest that according to the best knowledge and belief of the attesting party, the facility administered by the provider is in compliance with the provisions of this chapter, including rules adopted by the commissioner or orders issued by the commissioner as authorized under this chapter. The attesting person may be any of the following:

Sec. 101. Section 523I.205, subsection 3, Code 2009, is amended to read as follows:

3. A person who violates a provision of this chapter or rules adopted or orders issued under this chapter may be subject to civil penalties in addition to criminal penalties. The commissioner may impose, assess, and collect a civil penalty not exceeding ten thousand dollars for each violation. For the purposes of computing the amount of each civil penalty, each day of a continuing violation constitutes a separate violation. All civil penalties collected pursuant to this section shall be deposited ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 102. Section 523I.813, subsection 3, Code 2009, is amended to read as follows:

3. The commissioner shall levy an administrative penalty in the amount of five hundred dollars against a cemetery that fails to file the annual report when due, payable to the state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 103. Section 524.207, subsections 1, 3, and 4, Code 2009, are amended to read as follows:

1. ~~All~~ Except as otherwise provided by statute, all expenses required in the discharge of the duties and responsibilities imposed upon the banking division of the department of commerce, the superintendent, and the state banking council by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12. All of these fees are payable to the superintendent. The superintendent shall pay all the fees and other moneys received by the superintendent to the treasurer of state within the time required by section 12.10 and the fees and other moneys shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12. ~~The superintendent may keep on hand with the treasurer of state funds in excess of the current needs of the division to the extent recommended by the state banking council.~~

3. The banking division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for bank or licensee examinations or investigations and directly result from examinations or investigations of banks or licensees. The amounts necessary to fund the excess examination or investigation expenses shall be collected from banks and licensees being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2. The division shall notify in writing the legislative services agency and the department of management when hiring additional personnel. The written notification shall include documentation that any additional expenditure related to such hiring will be totally reimbursed ~~to the general fund~~ as provided in section 546.12, subsection 2, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by the general assembly.

4. All fees and moneys collected shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 and expenses required to be paid under this section shall be paid from ~~funds moneys in the department of commerce revolving fund~~ and appropriated for those purposes. ~~Moneys deposited into the general fund of the state pursuant to this section shall be subject to the requirements of section 8.60.~~

Sec. 104. Section 533.111, subsections 1, 3, 4, and 5, Code 2009, are amended to read as follows:

1. a. All expenses required in the discharge of the duties and responsibilities imposed upon the credit union division, the superintendent, and the review board by the laws of this state

shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

b. All fees imposed under this chapter are payable to the superintendent, who shall pay all fees and other moneys received to the treasurer of state within the time required by section 12.10. The treasurer of state shall deposit such funds in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

3. The credit union division may expend additional funds, including funds for additional personnel, if the additional expenditures are actual expenses that exceed the funds budgeted for credit union examinations and directly result from examinations of state credit unions.

a. The amounts necessary to fund the excess examination expenses shall be collected from state credit unions being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2.

b. The division shall notify in writing the legislative services agency and the department of management when hiring additional personnel. The written notification shall include documentation that any additional expenditure related to such hiring will be totally reimbursed to the ~~general fund of the state~~ as provided in section 546.12, subsection 2, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by the general assembly.

4. a. All fees and other moneys collected shall be deposited into the ~~general fund of the state department of commerce revolving fund created in section 546.12~~ and expenses required to be paid under this section shall be paid from ~~funds~~ moneys in the department of commerce revolving fund and appropriated for those purposes. ~~Moneys deposited into the general fund of the state pursuant to this section shall be subject to the requirements of section 8.60.~~

b. Funds appropriated to the credit union division shall be subject at all times to the warrant of the director of revenue, drawn upon written requisition of the superintendent or a designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the credit union division.

5. The credit union division may accept reimbursement of expenses related to the examination of a state credit union from the national credit union administration or any other guarantor or insurance plan authorized by this chapter. These reimbursements shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

Sec. 105. Section 533A.14, Code 2009, is amended to read as follows:  
533A.14 FEES TO STATE TREASURER.

All moneys received by the superintendent from fees, licenses and examinations pursuant to this chapter shall be deposited by the superintendent with the treasurer of state for deposit in the department of commerce revolving fund created in section 546.12.

Sec. 106. Section 534.305, Code 2009, is amended to read as follows:  
534.305 REDEMPTION.

When funds are on hand for the purpose, the association may redeem by lot or otherwise, as the board of directors determines, all or any part of any of its savings accounts on a dividend date by giving thirty days' notice by registered mail addressed to the account holders at their last addresses recorded on the books of the association. An association shall not redeem its share accounts when the association is in an impaired condition or when it has applications for withdrawal which have been on file more than thirty days and have not been reached for payment. The redemption price of a savings account shall be the full value of the account redeemed, as determined by the board of directors, but the redemption value shall not be less than the withdrawal value. If the notice of redemption has been given, and if on or before the redemption date the funds necessary for the redemption have been set aside for redemptions, dividends upon the accounts called for redemption shall cease to accrue from and after the div-

ident date specified as the redemption date, and rights with respect to those accounts terminate as of the redemption date, subject only to the right of the account holder of record to receive the redemption value without interest. Savings accounts which have been validly called for redemption must be tendered for payment within ten years from the date of redemption designated in the redemption notice, or they shall be canceled and paid to the treasurer of state for deposit in the general fund of the state department of commerce revolving fund created in section 546.12 and all claims of the account holders against the association are barred forever. Redemption shall not be made of any savings accounts which are held by a person who is a director and which are necessary to qualify the person to act as director.

Sec. 107. Section 534.408, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 3. All fees collected under this chapter shall be deposited with the treasurer of state in the department of commerce revolving fund created in section 546.12.

Sec. 108. NEW SECTION. 546.12 DEPARTMENT OF COMMERCE REVOLVING FUND.

1. A department of commerce revolving fund is created in the state treasury. The fund shall consist of moneys collected by the banking division; credit union division; utilities division, including moneys collected on behalf of the office of consumer advocate established in section 475A.3; and the insurance division of the department; and deposited into an account for that division or office within the fund on a monthly basis. Except as otherwise provided by statute, all costs for operating the office of consumer advocate and the banking division, the credit union division, the utilities division, and the insurance division of the department shall be paid from the division's accounts within the fund, subject to appropriation by the general assembly.

2. To meet cash flow needs for the office of consumer advocate and the banking division, credit union division, utilities division, or the insurance division of the department, the administrative head of that division or office may temporarily use funds from the general fund of the state to pay expenses in excess of moneys available in the revolving fund for that division or office if those additional expenditures are fully reimbursable and the division or office reimburses the general fund of the state and ensures all moneys are repaid in full by the close of the fiscal year. Because any general fund moneys used shall be fully reimbursed, such temporary use of funds from the general fund of the state shall not constitute an appropriation for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54.<sup>5</sup>

Sec. 109. 2009 Iowa Acts, Senate File 475,<sup>6</sup> section 2, if enacted, is amended by striking the section and inserting in lieu thereof the following:

SEC. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12, if enacted by 2009 Iowa Acts, House File 809,<sup>7</sup> to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,138,888
.....	FTEs	27.00

DIVISION VIII  
DEPARTMENT OF INSPECTIONS AND APPEALS PROVISIONS

Sec. 110. Section 99B.2, subsection 1, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department of inspections and appeals shall issue the licenses required by this chapter. A license shall not be issued, except upon submission to the department of an application on forms ~~furnished~~ determined by the department, and the required license fee. A license may be issued to an eligible applicant. ~~An authorization number to operate may be issued to an~~

<sup>5</sup> See chapter 179, §146 herein

<sup>6</sup> Chapter 178 herein

<sup>7</sup> This chapter

applicant until a license is issued. However, a license or authorization number shall not be issued to an applicant who has been convicted of or pled guilty to a violation of this chapter, or who has been convicted of or pled guilty to a violation of chapter 123 that resulted, at any time, in revocation of a license issued to the applicant under chapter 123 or that resulted, within the twelve months preceding the date of application for a license required by this chapter, in suspension of a license issued under chapter 123. To be eligible for a two-year license under section 99B.7, an organization shall have been in existence at least five years prior to the date of issuance of the license. However, an organization which has been in existence for less than five years prior to the date of issuance of the license may obtain a two-year license if either of the following conditions apply:

Sec. 111. Section 99B.2, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. A license shall not be issued to an individual whose previous license issued under this chapter or chapter 123 has been revoked until the period of revocation or revocations has elapsed. This prohibition applies even though the individual has created a different legal entity than the one to which the previous license that had been revoked was issued. Except as otherwise provided in this chapter, a license is valid for a period of two years from the date of issue. The license fee is not refundable, but shall be returned to the applicant if an application is not approved. If a bingo license is issued by the department of inspections and appeals, the licensee shall be notified by the department of inspections and appeals of the renewal date for the license ten days prior to that date.

Sec. 112. Section 99B.2, subsection 4, Code 2009, is amended to read as follows:

4. A licensee required by subsection 2 to maintain records shall submit quarterly reports ~~an annual report~~ to the department on forms furnished by the department. ~~These reports~~ The annual report shall be due thirty days following the end of each ~~calendar quarter~~ fiscal year. The ~~reports~~ annual report shall contain a compilation of the information required to be recorded by subsection 2, and shall include all of the transactions occurring during the ~~three-month period~~ previous fiscal year for which the report is submitted. Failure to submit the ~~quarterly reports~~ annual report is grounds for revocation of the license. Willful failure to submit ~~quarterly reports~~ the annual report is a serious misdemeanor. ~~However, the time for filing of reports may be extended for thirty days if the licensee makes written request to the department for an extension which request shows good cause for granting the extension.~~ A person who intentionally files a false or fraudulent report or application with the department commits a fraudulent practice.

Sec. 113. Section 237.18, subsections 3 and 4, Code 2009, are amended to read as follows:

3. Assign the case cases of each child children receiving foster care within the judicial district to the appropriate local board boards.

4. Assist local boards in reviewing ~~each case~~ cases of a child children receiving foster care, as provided in section 237.20.

Sec. 114. Section 237.20, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~Review at least every six months~~ the case of each child receiving foster care assigned to the local board by the state board to determine whether satisfactory progress is being made toward the goals of the case permanency plan pursuant to section 237.22. ~~As much as is possible, review shall be conducted immediately prior to~~ The timing and frequency of a review of each case by a local board shall take into consideration the permanency goals, placement setting, and frequency of any court reviews of the case.

*Approved May 26, 2009, with exceptions noted.*

CHESTER J. CULVER, Governor

Dear Mr. Secretary:

I hereby transmit House File 809, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates. House File 809 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated in Section 1, subsection 1, paragraph c, of this bill which directs departments to keep vehicles longer in order to reduce motor vehicle fleet operation and purchasing costs by 7.5 percent. I agree with the goal of decreasing state fleet costs, and that is one reason I disapprove of this section. Maintaining vehicles beyond their useful lifetime may actually increase fleet costs. I also disapprove this section because it infringes on the authority of the Executive Branch. The Department of Administrative Services is currently implementing new standards to reduce the cost of fleet operations, which will reduce vehicle fleet operations and purchasing costs.

I am unable to approve the item designated in Section 1, subsection 4, of the bill which prohibits the Department of Administrative Services from exceeding the rates set as of January 1, 2009, for services provided solely by the Department of Administrative Services to other Executive Branch agencies or departments. The current rates for some utility functions are artificially low due to use of other funds to cover expenses. These funds are now depleted and keeping the rates at the current level will harm the Department of Administrative Services' capacity to deliver other services.

I am unable to approve the item designated in Section 13, subsection 4, paragraph b, of the bill which directs the Department of Inspections and Appeals to provide information to the public via the internet relating to inspections, operating costs and FTE positions. Iowa is already a leader in providing families with the information they need to protect the health and safety of their loved ones. Though I strongly encourage the Department to provide greater transparency, I disapprove this language because some of this data is collected during the survey and certification process and is maintained and controlled by the federal government. Any additional information would add very little benefit to the public but would be expensive to assemble and maintain. The Department has already made much of this information, especially regarding its inspections, part of the public record.

I am unable to approve the item designated in Section 13, subsection 4, paragraph c, of the bill which directs the Department of Inspections and Appeals to continuously solicit input from facilities regulated by the Department to assess and improve its level of collaboration. The Department of Inspections and Appeals currently works with those facilities regulated by the Department in a manner that is consistent with its regulatory duties as prescribed by Iowa law and expect all parties to work together on a regular basis in an honest and straightforward manner.

I am unable to approve the item designated as Section 27 in its entirety. This language directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen<sup>8</sup> to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective, more efficient, and transparent prac-

<sup>8</sup> Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 596

tices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I disapprove the item designated in Section 30, subsection 3, in the bill because a vehicle depreciation fund at the Department of Transportation does not exist. Therefore, this language would not be workable.

I disapprove the item designated in Section 37 which removes appropriations to the Department of Management for the Grants Enterprise System. I am unable to approve this language because funding for the Grants Enterprise System is now necessary to provide greater transparency for the availability and use of federal American Recovery and Reinvestment Act funds.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 809 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER, *Governor*

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**CHAPTER 182**  
APPROPRIATIONS —  
HEALTH AND HUMAN SERVICES  
*H.F. 811*

**AN ACT** relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
GENERAL FUND AND BLOCK GRANT APPROPRIATIONS  
ELDER AFFAIRS

Section 1. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department of elder affairs and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly only if the monthly cost per client for case management for the frail elderly services provided does not exceed the amount specified in this section, resident advocate committee coordination, employment, and other services which may include but are not limited to adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible